

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JULIE DEE DODSON; and CURTIS)
E. DODSON)
v.) No. 3-09-0404
LINDA D. BERRYMAN; and)
WILLBROS. CONSTRUCTION (U.S.),)
LLC¹)

O R D E R

Pursuant to the order entered June 20, 2011 (Docket Entry No. 35), a case management status conference was held on July 8, 2011, at which time counsel addressed the remaining discovery and expert issues, the completion of which has been delayed because plaintiff Curtis Dodson has just recently reached MMI. Although the deposition of Dr. Lee, the plaintiff's initial pain doctor has been taken, and the depositions of his urologist and his current doctor are scheduled on July 13, 2011, and September 12, 2011, respectively, an urology IME has not been conducted, the defendants have not been able to determine whether they want to schedule the plaintiff for an IME with a pain doctor, and the plaintiff's economic expert will not be able to disclose his report until after the plaintiff's doctors' depositions.

It appeared to the Court that counsel had been working cooperatively with each other and that the delays in this case have been caused by the delay in the plaintiff's reaching MMI, along with the inevitable difficulties of scheduling doctors' depositions. Finally, the parties want to participate in mediation with Tracy Shaw, whose schedule requires significant advance booking.²

¹ Willbros. Construction (U.S.), LLC was substituted for WillBros. RPI, Inc. by order entered June 29, 2009 (Docket Entry No. 13).

² As early as December of 2009, the parties reported to the Court that there was "a feeling among the parties that this case can be resolved prior to trial," although they noted at that time that neither plaintiff was at MMI and the parties could not realistically explore settlement until they reached MMI. See Docket Entry No. 18.

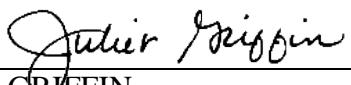
As a result, counsel determined that they would seek a continuance of the October 18, 2011, trial to early 2012.

The parties shall have until no later than July 15, 2011, to file a joint motion to continue the trial.

In addition, the parties shall schedule, to the extent possible, the remaining doctors' depositions and IMEs, and confer with Tracy Shaw's office to determine what dates may be available for mediation.

If the parties do not file a motion to continue the trial or after the Court rules on the motion, a further case management conference will be scheduled to address the remaining progression of the case, whether the trial remains scheduled on October 18, 2011, or is continued.

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge